



NYSBA CLE

Friday, March 4, 2011
New York City

Friday, March 11, 2011
Albany

Friday, March 11, 2011
Long Island

Friday, March 11, 2011
Rochester

Friday, March 18, 2011
Westchester



**HALF-DAY
CLE PROGRAM**

See inside for
more details.

Legal Malpractice 2011

Do you know the best way to . . .

- Identify potential legal malpractice claims and avoid professional liability risk?
- Respond appropriately when you are aware of a situation that could reasonably lead to a legal malpractice claim, or when such a claim is made or threatened against you?
- Identify the main elements of a legal malpractice suit?
- Prosecute and defend a legal malpractice action through trial?
- Interact with professional liability insurance companies?

Register Now!

**Save Money, and Guarantee
Your Seat at the Program!!!**

Co-sponsored by the Torts,
Insurance and Compensation Law
Section, the Trial Lawyers Section, the
Law Practice Management Committee
and the Committee on Continuing
Legal Education of the New York
State Bar Association



Program Description

Lawsuits against lawyers arising from errors and/or omissions in the performance of legal services are on the rise. It is now an integral part of a law firm's business practice to evaluate its legal risk and malpractice insurance needs. This program is designed to educate attorneys on how to prosecute and/or defend a legal malpractice action. In addition, this program will educate attorneys about their legal malpractice exposures, what they should do in the event that a lawsuit is filed against them, and what they should do when situations arise that indicate that a legal malpractice claim is likely. Both solo practitioners and members of larger firms would benefit from knowing how to assess professional liability risk and manage legal malpractice litigation.

Agenda

8:30-9:00 a.m.

Registration (outside of the meeting room)

9:00-9:10

Welcome and Introduction

9:10-10:00

I. Identifying and Responding to Professional Liability Claims

- Claim Notification and Reporting Issues
 - * What Constitutes a "Claim" Under a Typical Lawyers Professional Liability Policy
 - * Responding to and Reporting of Potential Claims
 - * Misrepresentation in the LPL Application and Late Notification of Claims
- What is Covered Under the Typical LPL Policy
 - * The Scope of Professional Services
 - * Non-Covered Acts, Errors or Omissions
 - * Damages Excluded from Coverage
 - * Intentional Acts/Fraud Exclusions
 - * Typical Exclusions

10:00-10:50

II. Sources of Legal Malpractice Claims

Panel Discussion with Professional Liability Industry Leaders

- Typical Claim Scenarios
 - * Conflicts of Interest
 - * Failure to Investigate/Evaluate Claims or Defenses
 - * Failure to Comply with Statute of Limitations
 - * Neglect of Prosecution/Trial Errors *
 - * Failure to Protect Secured Interests/Assets/Property
- Claimants and Vicarious Liability— Who Can Sue and Be Sued
 - * Liability to Clients/Third-Parties
 - * Liability of Law Firm/Partners for Acts of Another
- Legal Malpractice Claim Defense Strategy
 - * Pre-Suit Discussions/Settlement
 - * Discovery/Legal Malpractice Litigation Management
 - * Use of Experts
 - * Motion Practice
 - * Trial Strategies/Tactics

10:50-11:00

Break

To bring you up-to-date on these important issues, the Torts, Insurance and Compensation Law Section and the Trial Lawyers Section of the New York State Bar Association are pleased to invite you to a new half-day seminar on legal malpractice. The excellent faculties in all four sites consist of experienced attorneys and representatives from leading insurance companies.

We invite you to attend this timely program. Bound course books will be distributed to registrants on the morning of each presentation.

11:00-12:00

III. Legal Malpractice Causes of Action and Litigation Strategy

- Theories of Liability
 - * Negligence
 - * Breach of Fiduciary Duty
 - * Statutory Liability
 - * Violations of Disciplinary Rules and Ethical Considerations
 - * Conflicts of Interest
- Statute of Limitations
 - * Claim Accrual
 - * Continuous Representation Doctrine
 - * Concealment and Discovery
- Capacity to Sue and Standing
 - * Privity
 - * Ripeness and Mootness
 - * Collateral Estoppel and Res Judicata
 - * Release and Waiver
- The Standard of Care
 - * Negligence, Breach of Fiduciary Duty
 - * Statutory Liability/Violations of Disciplinary Rules
 - * Conflicts of Interest
- The Burden of Proof
 - * Causation
 - * Expert Opinions
 - * Damages
- Trial Tactics and Motion Practice
 - * Jury Selection
 - * Evidentiary Issues
 - * Expert Testimony
 - * Jury Instructions

12:00-12:45

IV. Risk Management for Lawyers Discussion of Law Firm Risk Management Principles and Issues

- * New Client/Matter Intake
- * Conflict Management and Avoidance
- * Engagement Letters/Part 1215 Requirements
- * Docket and Calendar Management
- * Billing Systems and Controls
- * File Closing and Disengagement Letters
- * Training and Associate Supervision
- * Fee Actions
- * Client Management

4.0 TOTAL CREDITS

4.0 credits in areas of Professional Practice and/or Law Practice Management.

This **basic-level** course has been approved for MCLE credit in **New York** for all attorneys, **including** newly admitted (less than 24 months).

This program has also been approved for MCLE credit by the **State Bar of California** and the **Pennsylvania Continuing Legal Education Board** for **3.0** credit hours of substantive law and **3.0** credit hours of ethics. All inquiries regarding MCLE credits may be directed to **(518) 487-5606**.

The New York State Bar Association's Committee on Continuing Legal Education has been certified by the New York State Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York.

IMPORTANT NOTICE: PARTIAL CREDIT FOR PROGRAM SEGMENTS NOT ALLOWED. Under the New York State Continuing Legal Education Board Regulations and Guidelines, attendees at CLE programs cannot receive MCLE credit for a program segment unless they are present for the entire segment. Persons who arrive late, depart early, or are absent for any portion of the segment will not receive credit for that segment.

Program Locations

Important Note: If you plan to pre-register within 10 days of the program or register at the door, please call us at **(800) 582-2452** or in Albany and surrounding area, dial **(518) 463-3724**, to verify that the program is not sold out or that the date or location has not been changed. Those who pre-register in advance of the program will automatically be notified of any such changes and will receive a full refund up to the day prior to the program, if they cannot attend and notify us of their cancellation. Please pre-register as early as possible.

Friday
March 4, 2011
New York City
The New Yorker Hotel
481 Eighth Avenue @ 34th Street
New York, NY 10001
(212) 244-0719

Friday
March 11, 2011
Rochester
Radisson Hotel Rochester Riverside
120 East Main Street
Rochester, NY 14604
(585) 546-6400

Friday
March 11, 2011
Albany
New York State Nurses Association
11 Cornell Road
Latham, NY 12110
(518) 782-9400

Friday
March 18, 2011
Westchester
Westchester Marriott
670 White Plains Road
Tarrytown, NY 10591
(914) 631-2200

Friday
March 11, 2011
Long Island
Melville Marriott
1350 Old Walt Whitman Road
Melville, L.I., NY 11747
(631) 423-1600

 See our Spring 2011 schedule online at www.nysba.org/cle

REGISTER EARLY, SAVE MONEY, AND GUARANTEE YOUR SEAT AT THE PROGRAM!!!

NYSBA CLE *presents*

Legal Malpractice 2011



**HALF-DAY
CLE PROGRAM**

See inside for
more details.



**REGISTRANT: PLEASE PROVIDE MAILING INSTRUCTIONS
OR ADDRESS CORRECTION**

Send program admission ticket to address shown on label at right

This is a new address, please change your records

Send to the address below

Name _____
FIRST/INITIAL/LAST

Firm _____

Business Address _____
STREET/SUITE NUMBER/CITY/STATE/ZIP

Telephone (_____) _____

Registrant note: Is your name and address listed correctly on the mailing label at the right? If not, fill in correction below and return this page to NYSBA. If you receive multiple copies of this brochure, please pass them along to colleagues who may be interested in this program.

**NEW YORK STATE BAR ASSOCIATION
CONTINUING LEGAL EDUCATION**
Mail to: CLE Registration Office
New York State Bar Association
One Elk Street, Albany, NY 12207



**POSTMASTER: CONTAINS DATED MATERIAL.
PLEASE DELIVER PROMPTLY. THANK YOU.**

Non-Profit Org.
US Postage
PAID
Albany, NY
Permit No. 155